

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

TENNESSEE

Moon Fenton, M.D.

EXHIBIT AND WITNESS LIST

V.

The West Clinic, PLLC, et al

Case Number: 21-cv-2790-SHL

PRESIDING JUDGE SHERYL H. LIPMAN					PLAINTIFF'S ATTORNEY(S) David Burkhalter, II, Zachary Burkhalter	DEFENDANT'S ATTORNEY(S) Michael McLaren, Amy Sterling
PROCEEDING/DATE: 5/22/2023 to 5/24/2023-Non-Jury Trial					COURT REPORTER Candace Covey	COURTROOM DEPUTY M. Mullen
PLF. NO.	DEF. NO.	DATE OFFERED	MARKED	ADMITTED	DESCRIPTION OF EXHIBITS* AND WITNESSES	
1		5/22/2023	X	X	Stipulations of Facts	
X		5/22/2023			Witness - Mitch Graves - CEO West Cancer Center and Research Institute	
2		5/22/2023	X	X	Letter of Resignation by Moon Fenton, M.D.	
3		5/22/2023	X	X	List of Oncologists and Date they Became Shareholders	
4		5/22/2023	X	X	List of Shareholders	
5		5/22/2023	X	X	Email dated 7/14/2020 between Mitch Graves and Moon Fenton, M.D.	
6		5/22/2023	X	X	Email dated 7/16/2020 between Mitch Graves and Moon Fenton, M.D.	
7		5/22/2023	X	X	Email dated 7/21/2020 between Mitch Graves and Moon Fenton, M.D.	
8		5/22/2023	X	X	Email dated 7/25/2020 between Mitch Graves and Moon Fenton, M.D.	
9		5/22/2023	X	X	Termination, Purchase, and Release Agreement	
10		5/22/2023	X	X	Operating Agreement of West Capital, LLC	
11		5/22/2023	X	X	Restated and Amended Operating Agreement of West Union Partners, LLC	
12		5/22/2023	X	X	Restated and Amended Operating Agreement of West Desoto Partners, LLC	
13		5/22/2023	X	X	Operating Agreement of The West Clinic, PLLC	
14		5/22/2023	X	X	2019 TN Dept. of Revenue Franchise and Excise Tax Return - West Union Partners LLC	
15		5/22/2023	X	X	2020 TN Dept. of Revenue Franchise and Excise Tax Return - West Union Partners LLC	
16		5/22/2023	X	X	2019 TN Dept. of Revenue Franchise and Excise Tax Return - West Desoto Partners LLC	
17		5/22/2023	X	X	2020 TN Dept. of Revenue Franchise and Excise Tax Return - West Desoto Partners LLC	
18		5/22/2023	X	X	2020 U.S. Return of Partnership Income - West Capital LLC	
19		5/22/2023	X	X	2020 Schedule K-1 - West Wolf River Partners, LP	
20		5/22/2023	X	X	2020 Schedule K-1 - West Capital, LLC	
21		5/22/2023	X	X	2020 U.S. Return of Partnership Income - West Wolf River Partners, LP	

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

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EXHIBIT AND WITNESS LIST – CONTINUATION

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22		5/22/2023	X	X	Current Physicians 2019 Compensation
23		5/22/2023	X	X	Teaching and Good Citizenship Estimated Available for Distribution
24		5/22/2023	X	X	WCCRI Shareholder Meeting Attendance 10/2/2019
	25	5/22/2023	X	X	Quality Metrics Development Committee October 2015
	26	5/22/2023	X	X	Termination of Shareholders' Agreement
X		5/22/2023	X	X	Video Deposition of Bradley Somer, M.D.
X		5/22/2023			Witness - Erich Mounce - Employed by Oncology Care Partners
27		5/22/2023	X	X	Email from Erich Mounce to Moon Fenton 6/23/2014
28		5/22/2023	X	X	Letter to Drs. Schwartzberg & Tauer from Moon Fenton dated 8/17/2014
29		5/22/2023	X	X	West Clinic Shareholders Meeting Minutes dated 1/28/2015
30		5/22/2023	X	X	Email from Erich Mounce to Moon Fenton dated 2/25/2015
31		5/22/2023	X	X	Email from Erich Mounce to Moon Fenton dated 1/23/2016
32		5/22/2023	X	X	2015 Spreadsheet of Distribution and Calculation of Physicians' Pay
33		5/22/2023	X	X	2016 Spreadsheet of Distribution and Calculation of Physicians' Pay
34		5/22/2023	X	X	Current Physicians 2017 Compensation
	35	5/22/2023	X	X	Letter dated 2/6/2012 signed by Erich Mounce with Employment Contract signed by Moon Fenton
	36	5/22/2023	X	X	Email from Erich Mounce to Moon Fenton dated 12/23/2015 & Response dated 1/23/2016
	37	5/22/2023	X	X	Moon Fenton 2015-2017 Compensation Model
	38	5/22/2023	X	X	Email from Moon Fenton to Erich Mounce dated 12/23/2016 & Response
	39	5/22/2023	X	X	Email from Erich Mounce to Lee Schwartzberg and Kurt Tauer dated 7/19/2016
	40	5/22/2023	X	X	West Clinic Shareholders Meeting Minutes dated 12/20/2017
	41	5/22/2023	X	X	Physician Leadership Meeting Agenda September 2016
X		5/23/2023			Witness - Kurt Tauer, M.D. - Chairman of the Board
	42	5/23/2023	X	X	West Clinic HoldCo, P.C. Shareholders' Agreement 11/21/2019
	43	5/23/2023	X	X	The West Clinic, P.C. Shareholders' Agreement 1/1/2015
X		5/23/2023			Witness - Moon Jung Fenton, M.D. - Medical Oncologist and Hematologist
44		5/23/2023	X	X	Email from Moon Fenton to chomoonj@hotmail.com dated 7/3/2012

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	45	5/23/2023	X	X	Termination of Employment Agreement dated 2/20/2019
	46	5/23/2023	X	X	Physician Employment Agreement dated 2/22/2019
	47	5/23/2023	X	X	SEALED - Pay Statement dated 12/31/2015
	48	5/23/2023	X	X	SEALED - Pay Statement dated 12/30/2016
	49	5/23/2023	x	x	SEALED - Pay Statement dated 12/31/2018
	50	5/23/2023	X	X	SEALED - Pay Statement dated 12/31/2019
	51	5/23/2023	X	X	West Clinic Shareholders Meeting Minutes dated 2/25/2015
	52	5/23/2023	X	X	West Clinic Shareholders Meeting Minutes dated 3/25/2015
					*****Plaintiff Rests*****
	X	5/23/2023			Witness - Reid Evensky, Esq.
	53	5/23/2023	X	X	Termination, Purchase and Release Agreement for Dr. Benton M. Wheeler, III, M.D.
	54	5/23/2023	X	X	Termination, Purchase and Release Agreement for Joseph T. Santoso, M.D.
	55	5/23/2023	X	X	The West Clinic, PLLC Balance Sheet and Supplementary Information as of 12/31/2020
	56	5/23/2023	X	X	West Wolf River Partners, LP Financial Statements for year ended 12/31/2020
57		5/23/2023	X	X	West Clinic PLLC Purchase Agreement Analysis
	X	5/24/2023			Witness - Lee Schwartzberg, M.D. (via Microsoft Teams)
	X	5/24/2023			Witness - Bradley Somer, M.D. - Medical Oncologist at West Clinic
					*****Defense Rests*****
					s/M. Mullen, 5/24/2023